

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7850

BILL NUMBER: SB 478

DATE PREPARED: Jan 12, 1999

BILL AMENDED:

SUBJECT: Domestic battery.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill creates the offense of domestic battery, which is a battery resulting in bodily injury against a person who: (1) is or was a spouse of; (2) is or was living as if a spouse of; or (3) has a child in common with the person who commits the offense. It also makes the offense a Class A misdemeanor for a first conviction and a Class D felony for subsequent convictions.

This bill prohibits a court from providing misdemeanor sentencing treatment to a person who is convicted of a subsequent domestic battery. It also requires that if a court finds that a noncustodial parent has been convicted of a domestic battery that was witnessed or heard by the noncustodial parent's child, the court shall limit the noncustodial parent's visitation with the child to supervised visitation for a specified period.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill creates the new term "domestic battery" under current battery felony and misdemeanor offenses for the purpose of federal tracking. Under this provision, the Class D felony battery offense would not be reducible by the court to a Class A misdemeanor (as are most D felony offenses). State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between 6 months to 3 years. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily. The average length of stay in DOC facilities for all Class D felony offenders is approximately seven months.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000

while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs Association; Department of Correction.